

**Exhibit A**

**Lammert Declaration**

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**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

In re:

BED BATH & BEYOND INC., *et al.*,

Debtors.<sup>1</sup>

Chapter 11

Case No. 23-13359 (VFP)

(Jointly Administered)

<sup>1</sup> The last four digits of Debtor Bed Bath & Beyond Inc.'s tax identification number are 0488. A complete list of the Debtors in these Chapter 11 Cases and each such Debtor's tax identification number may be obtained on the website of the Debtors' claims and noticing agent at <https://restructuring.ra.kroll.com/bbby>. The location of Debtor Bed Bath & Beyond Inc.'s principal place of business and the Debtors' service address in these Chapter 11 Cases is 650 Liberty Avenue, Union, New Jersey 07083.

**DECLARATION OF JOHN W. LAMMERT IN SUPPORT OF DEBTORS' MOTION TO  
DETERMINE TAX LIABILITY AND STAY PROCEEDINGS AS TO CERTAIN  
CALIFORNIA TAXING AUTHORITIES**

I, JOHN W. LAMMERT, hereby declare that the following is true and correct to the best of my knowledge, information, and belief:

1. I am the Executive Vice President of Assessment Technologies, Ltd. (“ATL”). I have held this position with ATL since October of 2001 and currently manage the firm’s Bankruptcy Tax Practice. I have been involved with the valuation of complex properties during my entire tenure with the firm.

2. I submit this declaration (this “Declaration”) in support of the *Debtors’ Motion to Determine Tax Liability and Stay Proceedings as to Certain California Taxing Authorities* (the “Motion”).<sup>2</sup> I have reviewed the Motion and am familiar with the contents thereof and the relief sought therein.

3. ATL was retained by the Debtors to provide *ad valorem* tax services. As part of these services, ATL agreed to, among other things, verify the methodology used to determine the property values assigned by the various California counties in which the Debtors have Property, identify instances whereby the methodology would result in over-assessment, over-valuation, and excessive taxation by California counties, and seek appropriate reductions, as warranted by applicable law, for any such excess.

4. ATL’s professional staff has represented clients throughout the United States and is familiar with the California Counties’ tax statutes governing Fair Market Value (as statutorily defined) and the underlying valuation methodology addressed by the Motion.

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<sup>2</sup> Capitalized terms not otherwise defined herein shall have the meanings ascribed to such terms in the Motion.

5. I have been personally involved in ATL's review of the methodology applied by, and documents provided to and by, the California Counties. In this regard, I have overseen the review of the Property and the methodology applied by the California Counties, identifying areas where the California Counties methodology, as applied to these specific assets, would generate excessive Fair Market Values. From this, I have identified assets that should be reduced or disputed based upon (i) the records maintained by the Debtors in the ordinary course of business; (ii) other materials generated in connection with ATL's review of the Debtors' assets and Fair Market Value; and (iii) the Debtors' sales data in connection with going out of business sales.

6. Based on all of the information obtained through the above-described process, I have determined that the California Counties' methodology employed in arriving at the purported Market Values of the Property is erroneous. Here, the California Counties purported to arrive at Fair Market Values on the basis absent consideration of the sales of Property at the stores together with information or sales from the marketplace. The assessments therefore do not reflect the Fair Market Value. By omitting actual sales data to estimate an open market, arm's-length sales prices, the California Counties' analyses, and conclusions were flawed.

7. The hypothetical well-informed buyer contemplated by the statutory definition of "Fair Market Value" under California law would consider and deal with each of the above-listed factors differently than did the California Counties. ATL has concluded that the methodology, if any, used by the California Counties resulted in an overvaluing of the Property.

8. The analytical process employed by ATL to determine the correct Fair Market Values consistent with respective California Counties' definition of Fair Market Value, are detailed below. These methods are consistent with the respective state valuation standards.

**Valuation of Debtors' Property**

9. In assessing the Property and quantifying the taxes for the tax year 2023, the various taxing assessors were required to determine the Fair Market Value of the Property (as such term is defined by California state statute). Fair Market Value contemplates current market prices and values as of the assessment date of such property. California taxable property is required to be appraised at its fair market value as of January 1 of the applicable tax year, the fair market value of property shall be determined by the application of generally accepted appraisal methods and techniques, and each property shall be appraised based upon the individual characteristics that affect the property's fair market value, and all available evidence that is specific to the value of the property shall be taken into account in determining the property's fair market value. As set forth in the California Revenue and Tax Code, fair market value is defined as:

Full cash value" or "fair market value" defined; determination  
(a) Except as is otherwise provided in Section 110.1, "full cash value" or "fair market value" means the amount of cash or its equivalent that property would bring if exposed for sale in the open market under conditions in which neither buyer nor seller could take advantage of the exigencies of the other, and both the buyer and the seller have knowledge of all of the uses and purposes to which the property is adapted and for which it is capable of being used, and of the enforceable restrictions upon those uses and purposes.

Cal. Rev. & Tax. Code § 110.

10. Accordingly, the Fair Market Value attributed to the Property must contemplate a hypothetical arm's-length sales transaction for the Property as if such property were offered for sale on the open market between a prudent, voluntary seller and an equally prudent, voluntary buyer, both of whom are well-informed about the property. The taxing assessors are specifically required to implement and apply this definition of Fair Market Value in assessing taxable property within their jurisdiction.

11. The California Counties did not apply the correct definition of Fair Market Value which resulted in an improper determination of the Fair Market Value of the Property. ATL used sales of retail furniture, fixtures, equipment, and leasehold improvements at the Debtor's stores ("Debtor Sales Data") to approximate the Fair Market Value of the Property as allowed by applicable non-bankruptcy law as of the date the values were to be assessed. These sales were of all assets in the store and included leasehold improvements to the extent there was a willing buyer for those assets. This source provides a representative assessment of the Fair Market Value of the Debtors' Property.

12. As of January 1, 2023, the Debtors had 1,020 stores, including 834 Bed Bath & Beyond stores, 132 buybuy BABY stores, and 54 stores under the names Harmon, Harmon Face Values or Face Values. The Debtors have undergone a store closing process for a large number of stores, selling all assets and inventory in place. As of the date of the Petition Date, the store count in the United States was reduced to just 360 Bed Bath & Beyond locations and 120 buybuy BABY stores. Data from the Debtors' sales of store assets were collected from records provided by the Debtors and included sales from stores which are the subject of the Motion and other stores throughout the Debtors' portfolio. The Debtors submit that the sales prices derived from the Debtor Sales Data approximates the Fair Market Value definition, considering a willing buyer and seller.

13. From this source, the Debtors' have estimated the Fair Market Value of the Property at the Debtor's store locations as of January 1, 2023. Those values are set forth as "Revised Fair Market Values" in the Assessment Schedule attached as Exhibit 1 to this Declaration.

14. For the above reasons, I believe the Debtors should be granted the relief requested in the Motion.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that, to the best of my knowledge, information, and belief, and after reasonable inquiry, the foregoing is true and correct.

Dated: September 15, 2023

Assessment Technologies, Ltd.



By: \_\_\_\_\_

Name: John W. Lammert

Title: Executive Vice President

## EXHIBIT 1

JURISDICTION (ASSESSING AUTHORITY)	STORE NO.	STORE NAME	PROPERTY ADDRESS	PARCEL NO.	ASSESSING AUTHORITIES		REVISED 2023 FAIR MARKET VALUE	
					2023 FAIR MARKET VALUE	2023 FAIR MARKET VALUE	2023 FAIR MARKET VALUE	2023 FAIR MARKET VALUE
Alameda County Assessor's Office	173	Bed Bath & Beyond	4882 Dublin Boulevard	00-090818-00-001	\$ 262,989	\$ 11,167		
	26	Bed Bath & Beyond	590 2nd Street	00-090818-00-000	\$ 165,412	\$ 10,821		
Contra Costa County Assessor's Office	3055	Buy Buy Baby	3250 Buskirk Avenue, Suite 300-A	280133-0000	\$ 1,234,829	\$ 38,091		
	261	Bed Bath & Beyond	15 Crescent Drive	263816-0000	\$ 316,145	\$ 33,497		
	583	Bed Bath & Beyond	5719 Lone Tree Way	263816-0002	\$ 298,666	\$ 32,656		
Fresno County Assessor	225	Bed Bath & Beyond	7497 North Blackstone Avenue	303-670-01	\$ 1,162,900	\$ 75,525		
	3048	Buy Buy Baby	7458 North Blackstone Avenue	303-650-40	\$ 759,000	\$ 14,200		
Humboldt County Assessor	562	Bed Bath & Beyond	3300 Broadway, Space #340	800-009-016-000	\$ 214,753	\$ 44,176		
Los Angeles County Assessor	20	Bed Bath & Beyond	11854 West Olympic Boulevard	2814000002	\$ 870,940	\$ 84,651		
	383	Bed Bath & Beyond	14351 Hindry Avenue	2814000009	\$ 1,444,633	\$ 113,329		
	25	Bed Bath & Beyond	12555 Ventura Boulevard	2814000001	\$ 1,284,644	\$ 92,553		
	3099	Buy Buy Baby	6621 Fallbrook Avenue, Unit B	3877640002	\$ 1,222,550	\$ 71,784		
	8	Bed Bath & Beyond	6530 Canoga Avenue	2814000000	\$ 952,260	\$ 67,844		
	1063	Bed Bath & Beyond	10822 Jefferson Boulevard	2814000006	\$ 730,282	\$ 63,611		
	8075	Harmon Stores	10561 West Pico Boulevard	2103870001	\$ 714,712	\$ 68,994		
	3076	Buy Buy Baby	3700 West Torrance Boulevard	3877640001	\$ 610,329	\$ 152,582		
	179	Bed Bath & Beyond	25540 The Old Road	2814000007	\$ 542,858	\$ 49,696		
	8068	Harmon Stores	3609 East Foothill Boulevard	2103870000	Unknown	\$ 30,000		
	183	Bed Bath & Beyond	3341 East Foothill Boulevard	2814000005	\$ 437,616	\$ 40,557		
	475	Bed Bath & Beyond	2595 Pacific Coast Highway	2814000010	\$ 275,922	\$ 22,001		
	384	Bed Bath & Beyond	1557 Vine Street	2814000015	\$ 257,166	\$ 20,776		
	1020	Bed Bath & Beyond	201 East Magnolia Boulevard	2814000020	\$ 200,834	\$ 13,875		
	522	Bed Bath & Beyond	75 Lakewood Center Mall	2814000013	\$ 173,373	\$ 15,659		
	1078	Bed Bath & Beyond	12060 Lakewood Boulevard	2814000018	\$ 119,221	\$ 10,167		
	1176	Bed Bath & Beyond	1405 East Gladstone Street	2814000024	\$ 117,099	\$ 11,014		
	581	Bed Bath & Beyond	39421 10th Street West	2814000014	\$ 88,465	\$ 8,537		
Monterey County Assessor	1229	Bed Bath & Beyond	117 General Stilwell Drive	800-032-868-000	\$ 291,510	\$ 11,665		
Placer County Assessor	307	Bed Bath & Beyond	1120 Galleria Boulevard, Suite 140	800-025-723-000	\$ 5,140,860	\$ 363,448		
	3088	Buy Buy Baby	1120 Galleria Boulevard, Suite 160	800-040-043-000	\$ 1,353,290	\$ 59,083		
Riverside County Assessor	1097	Bed Bath & Beyond	24450 Village Walk Place	U000232083	\$ 913,578	\$ 126,595		
	3043	Buy Buy Baby	40438 Winchester Road	U000258080	\$ 257,280	\$ 43,646		
	1030	Bed Bath & Beyond	79-110 Highway 111	U000232017	\$ 682,485	\$ 84,199		
	83	Bed Bath & Beyond	72459 Highway 111	U000130859	\$ 322,812	\$ 51,545		
	538	Bed Bath & Beyond	3700 Tyler Street, Suite 14	U000189212	\$ 368,764	\$ 33,304		
	1305	Bed Bath & Beyond	5200 East Ramon Road, Building B	U000250099	\$ 104,454	\$ 17,675		
	1199	Bed Bath & Beyond	1642 East 2nd Street Marketplace	U000246896	\$ 94,202	\$ 7,726		

San Francisco County Assessor	38	Bed Bath & Beyond	555 9th Street	162359001/A1067152	\$ 2,915,855	\$ 42,577
Santa Barbara County Assessor	820	Bed Bath & Beyond	189 North Fairview Avenue	07717042-030-9	\$ 630,370	\$ 104,233
Santa Clara County Assessor	223	Bed Bath & Beyond	5353 Almaden Expressway, Suite A200	36724300029	\$ 811,131	\$ 49,430
	3034	Buy Buy Baby	5353 Almaden Expressway, Suite A100	44053100010	\$ 634,470	\$ 33,436
	127	Bed Bath & Beyond	5201 Stevens Creek Boulevard	36724300011	\$ 1,012,055	\$ 103,788
Santa Cruz County Assessor	540	Bed Bath & Beyond	3555 Clares Street, Suite J	01608001	\$ 295,019	\$ 17,833
Solano County Assessor	488	Bed Bath & Beyond	128 Browns Valley Parkway	0000129891	\$ 815,602	\$ 42,186
	1315	Bed Bath & Beyond	105 Plaza Drive, Suite 107	0000123289	\$ 184,466	\$ 14,898
Sonoma County Assessor's Office	24	Bed Bath & Beyond	2785 Santa Rosa Avenue	800-003-314-000	\$ 253,957	\$ 30,723
Stanislaus County Assessor	254	Bed Bath & Beyond	3900 Sisk Road	800-017-763-000	\$ 260,940	\$ 25,218
Tulare County Assessor	312	Bed Bath & Beyond	3125 South Mooney Boulevard	800-233-234-000	\$ 545,640	\$ 65,138
Ventura County Assessor	138	Bed Bath & Beyond	121 South Westlake Boulevard	698-0-020-175	\$ 542,300	\$ 40,450
	821	Bed Bath & Beyond	4040 East Main Street	084-0-091-115	\$ 305,000	\$ 32,000